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MEMORANDUM

TO: William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

FROM: Erin L. Barrett
Assistant Attorney General

DATE: November 2, 2016

SUBJECT: *Regulations Governing the Practice of Behavior Analysis*
18VAC85-150-10 *et seq.*

I have reviewed the proposed amendments to the Regulations Governing the Practice of Behavior Analysis, 18VAC85-150-10 *et seq.* The proposed amendments allow two hours of continuing education credit to be satisfied by the delivery of services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or in part for the delivery of such services. The proposed amendment is consistent with changes in the Code of Virginia following the passage of 2016 Va. Acts ch. 82. Additionally, the amendments alter the continuing education renewal requirements to match those required by the Behavior Analysis Certification Board. The Board has the statutory authority to amend these regulations under Virginia Code § 54.1-2400(6). The proposed amendments are constitutional and do not conflict with existing federal or state laws or regulations.